

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

RICHARD GIESE,

Plaintiff,

v.

**U.S. BANK, N.A. AS TRUSTEE FOR MID-
STATE TRUST XI BY DITECH
FIANCIAL LLC AS SERVICER**

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 9:18-cv-00196

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This case is referred to United States Magistrate Judge Zack Hawthorn for all pretrial matters. [Dkt #4]. The court has received Judge Hawthorn's report on July 3, 2019, which recommends granting Defendant U.S. Bank N.A.'s Motions To Dismiss [Dkt. #8] and dismissing Plaintiff Richard Giese's complaint. [Dkt. #2]. Neither party has filed any objections to Judge Hawthorn's report and recommendation, and the time for so doing has passed.

In accordance with 28 U.S.C. § 636(b) the court conducted a *de novo* review of the Magistrate Judge's findings, the record, and the applicable law in this proceeding. After review, the court finds that Judge Hawthorn's findings and recommendations should be accepted.

Accordingly, the court **ORDERS** that the Magistrate Judge's report and recommendation [Dkt. #10] is **ADOPTED** and that Plaintiff Giese's complaint is **DISMISSED**. A final judgment will be entered separately.

So **ORDERED** and **SIGNED** July 19, 2019.



Ron Clark, Senior District Judge